

**THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

**ROTHSCHILD BROADCAST  
DISTRIBUTION SYSTEMS, LLC,**

**Plaintiff,**

**v.**

**BOOST WORLDWIDE, LLC,**

**Defendant.**

**CIVIL ACTION NO. \_\_\_\_\_**

**JURY TRIAL DEMANDED**

**COMPLAINT**

Plaintiff Rothschild Broadcast Distribution Systems, LLC (“Plaintiff” or “Rothschild Broadcast Distribution Systems”) files this complaint against Boost Worldwide, LLC (“Boost”) for infringement of U.S. Patent No. 8,856,221 (hereinafter the “’221 Patent”) and alleges as follows:

**PARTIES**

1. Plaintiff is a Texas limited liability company with an office at 1801 NE 123 Street, Suite 314, Miami, FL 33181.
2. On information and belief, Defendant is a Delaware limited liability company, with a place of business at 9060 Irvine Center Dr., Irvine, California 92618. On information and belief, Defendant may be served with process through its registered agent, Corporation Service Company, 251 Little Falls Dr., Wilmington, DE 19808.

**JURISDICTION AND VENUE**

3. This action arises under the patent laws of the United States, 35 U.S.C. § 271 et seq. Plaintiff is seeking damages, as well as attorney fees and costs.

4. Jurisdiction is proper in this Court pursuant to 28 U.S.C. §§ 1331 (Federal Question) and 1338(a) (Patents).

5. On information and belief, this Court has personal jurisdiction over Defendant because Defendant has committed, and continues to commit, acts of infringement in this District, has conducted business in this District, and/or has engaged in continuous and systematic activities in this District.

6. Upon information and belief, Defendant's instrumentalities that are alleged herein to infringe were and continue to be used, imported, offered for sale, and/or sold in the District.

7. Venue is proper in this District under 28 U.S.C. §1400(b) because Defendant is deemed to be a resident in this District.

### **BACKGROUND**

8. On October 7, 2014, the United States Patent and Trademark Office ("USPTO") duly and legally issued the '221 Patent, entitled "System and Method for Storing Broadcast Content in a Cloud-Based Computing Environment" after the USPTO completed a full and fair examination. The '221 Patent is attached as Exhibit A.

9. Rothschild Broadcast Distribution Systems is currently the owner of the '221 Patent.

10. Rothschild Broadcast Distribution Systems possesses all rights of recovery under the '221 Patent, including the exclusive right to recover for past, present and future infringement.

11. The '221 Patent contains thirteen claims including two independent claims (claims 1 and 7) and eleven dependent claims.

### **COUNT ONE** **(Infringement of United States Patent No. 8,856,221)**

12. Plaintiff refers to and incorporates the allegations in Paragraphs 1 - 11, the same as if set forth herein.

13. This cause of action arises under the patent laws of the United States and, in particular under 35 U.S.C. §§ 271, *et seq.*

14. Defendant has knowledge of its infringement of the '221 Patent, at least as of the service of the present complaint.

15. Upon information and belief, Defendant has infringed and continues to infringe one or more claims, including at least Claim 7, of the '221 Patent by making, using, importing, selling, and/or offering for media content storage and delivery systems and services covered by one or more claims of the '221 Patent.

16. Accordingly, Defendant has infringed, and continues to infringe, the '221 Patent in violation of 35 U.S.C. § 271.

17. Defendant sells, offers to sell, and/or uses media content storage and delivery systems and services, including, without limitation, the boostTV streaming platform, and any similar products ("Product"), which infringes at least Claim 7 of the '221 Patent.

18. The Product practices a method of storing (e.g., cloud storage) media content (e.g. and recorded music) and delivering requested media content to a consumer device. Certain aspects of these elements are illustrated in the screenshots below and/or in those provided in connection with other allegations herein.

## What is boostTV™?

(top)

boostTV™ is a video streaming service that enables you to watch live and on-demand video content on your Boost Mobile Android smartphone. It requires the boostTV™ app to be installed on your Android smartphone to access free and premium video content.

Source: <https://www.boostmobile.com/support/faq/plans-services/boosttv.html>

## Does streaming video via boostTV™ use (top) my Boost Mobile high-speed data allotment?

Yes, watching boostTV™ video content will use your plan's monthly high-speed data allotment unless your phone is connected via WiFi.

Source: <https://www.boostmobile.com/support/faq/plans-services/boosttv.html>

## Why does the boostTV™ app require my (top) location settings to be turned on?

Boost Mobile has acquired rights for streaming free and premium content via boostTV™ in the United States only. To ensure usage in the United States, the boostTV™ app needs to confirm your location. You will not be able to access boostTV™ if your location settings are turned off.

Source: <https://www.boostmobile.com/support/faq/plans-services/boosttv.html>

Enjoy programming on the go from top with a variety of live programs and on-demand videos including top programming from the most popular news, sports, and general entertainment providers.

With boostTV you get:

- Live and breaking news from leading national and international broadcasters.
- A full library of short video clips for FREE from Vevo, Buzz Feed and more.
- Access to hundreds of popular full-episodes from favorites shows.
- Live sports events, weekly programs and highlights from leading global sports channels
- Watch newly released HD music videos and performances from VEVO, a top music content provider.

Source: <https://play.google.com/store/apps/details?id=com.boostmobile.boosttv&hl=en>

19. The Product necessarily includes a receiver configured to receive a request message including data indicating requested media content (e.g., the Product must have infrastructure to receive a request to store recorded media content or to stream recorded media content on a smartphone; additionally, the request message must contain data that identifies the content to be stored or streamed) and a consumer device identifier corresponding to a consumer device (e.g., the user credentials are used to access the contents of the Product). Certain aspects of these elements are illustrated in the screenshots below and/or in those provided in connection with other allegations herein.

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Source: <https://play.google.com/store/apps/details?id=com.boostmobile.boosttv&hl=en>

### How much does boostTV™ cost?

The boostTV™ app provides access to free video content. You can also subscribe to the following premium content add-ons:

- \$10 boostTV™ Entertainment
- \$10 boostTV™ Latino
- \$2 News/Weather/Sports

Source: <https://www.boostmobile.com/support/faq/plans-services/boosttv.html>



## Sign in to My Boost

☐ Remember my phone number

[Forgot your PIN?](#)

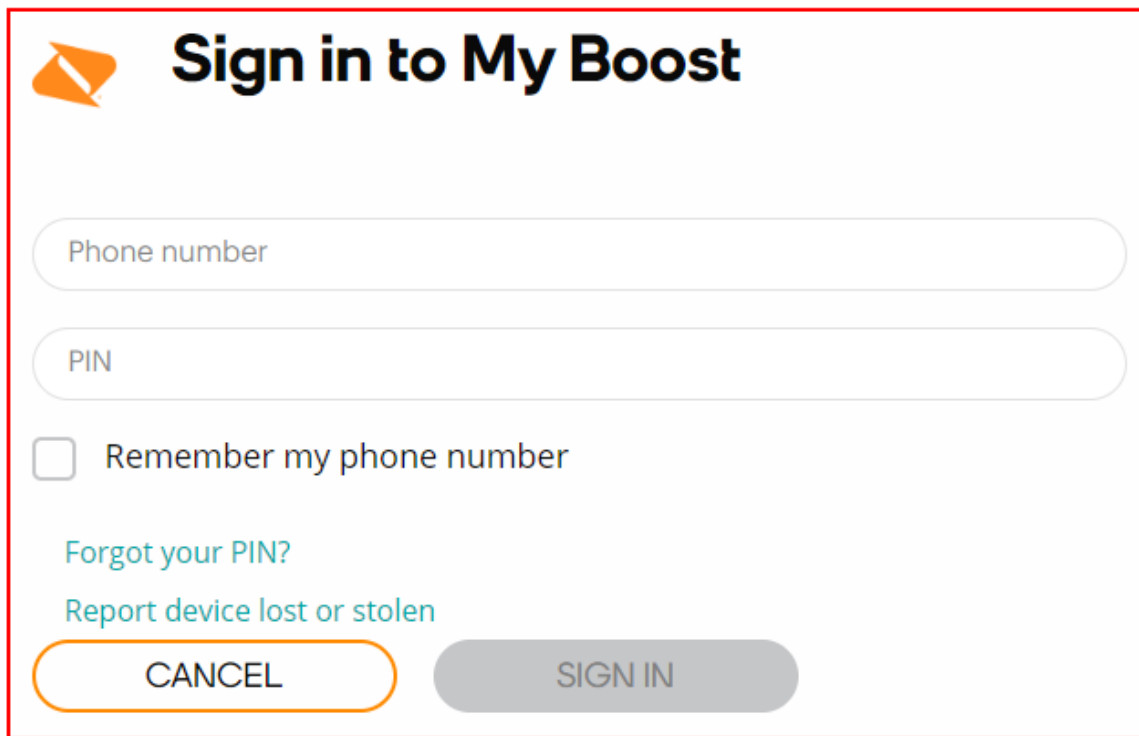
[Report device lost or stolen](#)

CANCEL

SIGN IN

Source: <https://myaccount.boostmobile.com/sign-in.html?dest=PROFILE>

20. The at least one server necessarily determines whether the consumer device identifier corresponds to the registered consumer device (e.g., a user must be a registered user to access the Product's services). Certain aspects of these elements are illustrated in the screenshots below and/or in those provided in connection with other allegations herein.

A screenshot of a mobile application's login screen titled "Sign in to My Boost". The screen features an orange Boost logo in the top left corner. Below the title, there are two input fields: "Phone number" and "PIN". Below the "PIN" field is a checkbox labeled "Remember my phone number". Underneath the checkbox are two links in teal text: "Forgot your PIN?" and "Report device lost or stolen". At the bottom of the form are two buttons: a yellow "CANCEL" button and a grey "SIGN IN" button. The entire form is enclosed in a red rectangular border.

Source: <https://myaccount.boostmobile.com/sign-in.html?dest=PROFILE>

21. The Product provides for both media downloads and/or storage, and media streaming. After a successful login, the Product necessarily determines whether the request received from a customer is a request for storage (e.g., recording or storing content) or content (e.g., streaming of media content). Certain aspects of these elements are illustrated in the screenshots below and/or in those provided in connection with other allegations herein.



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With boostTV you get:

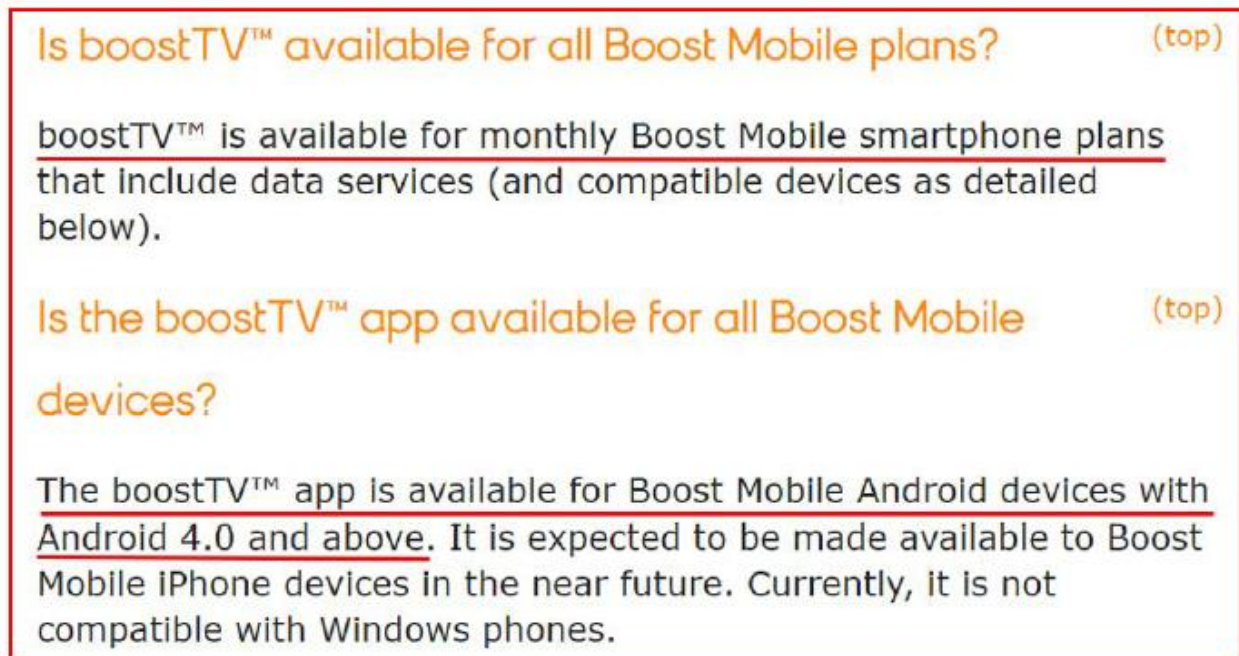
- Live and breaking news from leading national and international broadcasters.
- A full library of short video clips for FREE from Vevo, Buzz Feed and more.
- Access to hundreds of popular full-episodes from favorites shows.
- Live sports events, weekly programs and highlights from leading global sports channels
- Watch newly released HD music videos and performances from VEVO, a top music content provider.

Source: <https://play.google.com/store/apps/details?id=com.boostmobile.boosttv&hl=en>

22. The Product verifies that media content identified in the media data of the storage request message (e.g., request to record content) is available for storage in order to prevent data errors that would result from attempting to store content that is not available for storage. The Product



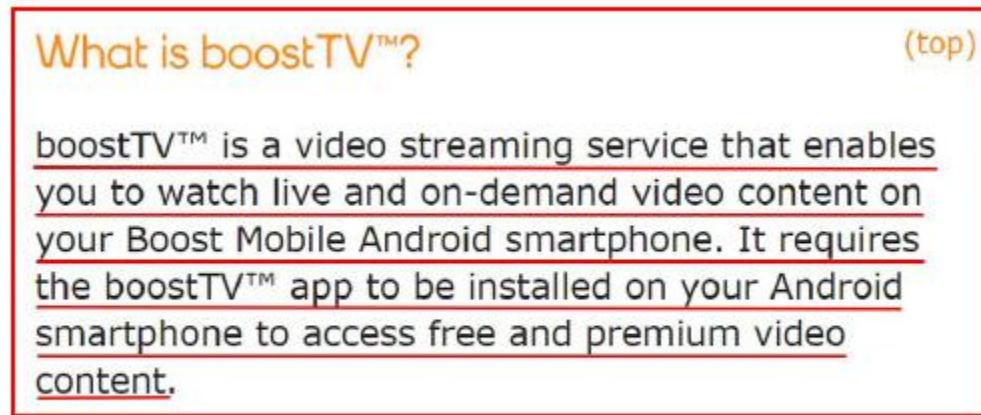
must verify that the media content (e.g. specific recording) identified in the media data of the storage request message is available for storage in order to prevent data errors that would result from attempting to store content that is not available for storage (e.g., the product must verify a user's ability to store video is limited to a certain amount of memory usage based upon their subscription; thus media content may not be available for storage if a user is already above their memory limit or if the user has not subscribed to any service). Certain aspects of these elements are illustrated in the screenshots below and/or in those provided in connection with other allegations herein.



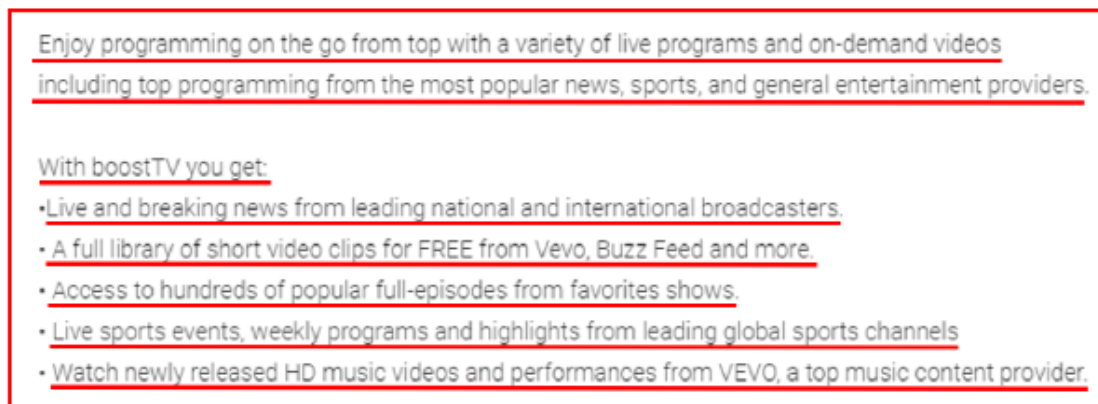
Source: <https://www.boostmobile.com/support/fag/plans-services/boosttv.html>

23. If a customer requests content (e.g., live streaming of media content), then a processor within the Product necessarily initiates delivery of the content to the customer's device. The server will initiate delivery of the requested media content to the consumer device (e.g., stream media content feed to a smartphone or tablet or desktop computer) if the request message is a

content request message (e.g., request for live streaming). Certain aspects of these elements are illustrated in the screen shots below and/or in screen shots provided in connection with other allegations herein.



Source: <https://www.boostmobile.com/support/faq/plans-services/boosttv.html>



Source: <https://play.google.com/store/apps/details?id=com.boostmobile.boosttv&hl=en>

24. The media data time data that indicates a length of time to store the requested media content (e.g. a user is allowed to store media content for maximum 30 days as based upon their subscription level). Certain aspects of these elements are illustrated in the screenshots below and/or in those provided in connection with other allegations herein.

## Will my boostTV™ add-on subscription renew automatically every month?

(top)

Yes, your subscription will renew automatically and must be paid in full with your monthly recurring charge at your monthly payment date to continue watching boostTV™ premium content.

Source: <https://www.boostmobile.com/support/fag/plans-services/boosttv.html>

## How do I subscribe to a boostTV™ add-on?

(top)

Subscription to any boostTV™ add-on is the same as for any other monthly plan add-on. If you are a new customer, you can subscribe during the activation process in-store or online at boostmobile.com. If you are an existing customer, you can add the monthly subscription online via My Account (web and smartphone), in store, or by phone. If you have already installed the boostTV™ app on your phone, you can subscribe to any boostTV™ add-on within the app.

Source: <https://www.boostmobile.com/support/fag/plans-services/boosttv.html>

25. The server must first determine whether the requested media content exists prior to initiating delivery in order to prevent data errors that would result from attempting to transmit media content that does not exist (e.g. the product must verify that a particular requested data is stored in the cloud). Certain aspects of these elements are illustrated in the screenshots below and/or in those provided in connection with other allegations herein.

### Is boostTV™ available for all Boost Mobile plans?

(top)

boostTV™ is available for monthly Boost Mobile smartphone plans that include data services (and compatible devices as detailed below).

### Is the boostTV™ app available for all Boost Mobile devices?

(top)

The boostTV™ app is available for Boost Mobile Android devices with Android 4.0 and above. It is expected to be made available to Boost Mobile iPhone devices in the near future. Currently, it is not compatible with Windows phones.

Source: <https://www.boostmobile.com/support/fq/plans-services/boosttv.html>

26. After the processor determines whether the requested media content is available, it determines whether there are restrictions associated with the requested media content (e.g., subscription level etc.). Certain aspects of these elements are illustrated in the screenshots provided in connection with other allegations herein.

27. Defendant's actions complained of herein will continue unless Defendant is enjoined by this Court.

28. Defendant's actions complained of herein is causing irreparable harm and monetary damage to Plaintiff and will continue to do so unless and until Defendant is enjoined and restrained by this Court.

29. The '221 Patent is valid, enforceable, and was duly issued in full compliance with Title 35 of the United States Code.

30. A copy of the '221 Patent, titled "System and Method for Storing Broadcast Content in a Cloud-based Computing Environment," is attached hereto as Exhibit A.

31. By engaging in the conduct described herein, Defendant has injured Plaintiff and is liable for infringement of the '221 Patent, pursuant to 35 U.S.C. § 271.

32. Defendant has committed these acts of literal infringement, or infringement under the doctrine of equivalents of the '221 Patent, without license or authorization.

33. As a result of Defendant's infringement of the '221 Patent, injured Plaintiff has suffered monetary damages and is entitled to a monetary judgment in an amount adequate to compensate for Defendant's past infringement, together with interests and costs.

34. Plaintiff is in compliance with 35 U.S.C. § 287.

35. As such, Plaintiff is entitled to compensation for any continuing and/or future infringement of the '221 Patent up until the date that Defendant ceases its infringing activities.

#### **DEMAND FOR JURY TRIAL**

36. Rothschild Broadcast Distribution Systems, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable by right.

#### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff asks the Court to:

- (a) Enter judgment for Plaintiff on this Complaint on all cases of action asserted herein;
- (b) Enter an Order enjoining Defendant, its agents, officers, servants, employees, attorneys, and all persons in active concert or participation with Defendant who receives notice of the order from further infringement of United States Patent No. 8,856,221 (or, in the alternative, awarding Plaintiff running royalty from the time judgment going forward);

(c) Award Plaintiff damages resulting from Defendants infringement in accordance with 35 U.S.C. § 284;

(d) Award Plaintiff such further relief to which the Court finds Plaintiff entitled under law or equity.



Dated: May 18, 2020

Respectfully submitted,

/s/ Jimmy Chong

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